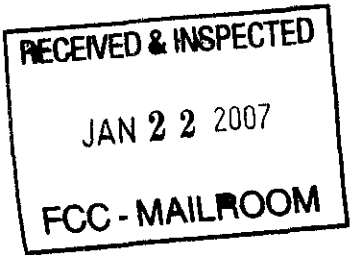




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**TECHNOLOGY DEPARTMENT**  
Trey Katzer – Director of Technology

CC Docket No. 02-6  
CC Docket No. 96-45  
Request for Review

**January 19, 2007**

**Contact Information for Authorized Person:**

Trey Katzer  
[tkatzer@liberty.k12.mo.us](mailto:tkatzer@liberty.k12.mo.us)  
816-736-6896 phone  
816-736-6827 fax

**USAC Action being appealed: (USAC denied appeal in letter addressed on December 06, 2006)**

Funding Commitment Decision Letter dated September 19, 2006

471 Application Number: 518119

Individual Billed Entity Name: Warren Hills Elementary

Individual Billed Entity Number: 16033177

District Billed Entity Name: Liberty Public Schools

District Billed Entity Number (BEN) 137125

Billed Entity FCC RN: 0011753274

Funding Request Number 1425536

Applicant's Form Identifier: Y9F

SPIN of service provider: 143017497

Service Provider Name: ExOp of Missouri, Inc.

**Decision being appealed:**

Entities not identified on 470.

The 470 cited does not include the billed entity or the entities receiving service submitted on the 471.

**Explanation of Appeal:**

In Block 1 of the 470 I selected School District in item number 5 instead of Individual School. The address and name of the applicant is correct however at the time the school was not named. Instead of Elementary 9 the name of the entity is Warren Hills Elementary School with an entity number of 16033177.

In Block 4 of the 470, I did select item a, which is individual school.

**801 Kent • Liberty, Missouri 64068 • (816) 415-6896 • Fax (816) 415-6827**


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In Block 1 of the 471, I selected School District in 5a instead of individual school and preceeded to list all schools in the district in work sheet calculations. The overall District calculation came out to 41% and Warren Hills by itself would have been 40% based on the free and reduced students that would be attending the elementary. This would result in a 1% adjustment to the refund.

In keeping with the spirit of the recent *Bishop Perry Order* released by the Federal Communications Commission (FCC), an applicant should not be penalized for clerical errors or errors committed only because of the sheer complexity of the E-rate application process. The errors made in this application process resulted in no violations of the core E-rate program rules, namely competitive bidding and discount calculation. The purpose of the Form 470 – to competitively bid for E-rate services – was clearly met. The error in identifying the school is only secondary to the goals of the E-rate program. Therefore an adjustment to the application should be allowed and the application approved.

Sincerely

A handwritten signature in black ink, appearing to read 'Trey Katzer', with a stylized flourish at the end.

Trey Katzer  
Director of Technology

Trey Katzer  
*Liberty Public Schools*  
801 Kent  
Liberty, MO 64068-2323

Billed Entity Number: 137125  
Form 471 Application Number: 518119  
Form 486 Application Number:



Universal Service Administrative Company  
Schools & Libraries Division

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***Administrator's Decision on Appeal – Funding Year 2006-2007***

December 06, 2006

Trey Katzer  
Liberty Public Schools  
801 Kent  
Liberty, MO 64068-2323

Re: Applicant Name: LIBERTY PUBLIC SCHOOLS  
Billed Entity Number: 137125  
Form 471 Application Number: 518119  
Funding Request Number(s): 1425536  
Your Correspondence Received: September 25, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1425536  
Decision on Appeal: **Denied**  
Explanation:

- Upon review of the letter of appeal and all relevant documentation, it has been determined that the applicant indicated on the establishing Form 470 is "Elementary 9", a new school under construction. The unique entity number for the new school was provided. The Form 470 requested bids for Fiber Network for voice and data for 1 new building. The Form 471 indicated that the applicant is Liberty Public Schools. The Billed Entity Number of the School District was also provided. The Form 471 also indicated that the application was for the entire school district and included 18 different entities in Block #4. Block #5 of Form 471 referenced the worksheet that included all 18 entities included in Block #4. Program rules require that all funding for E-rate be posted for competitive bid for 28 days using a Form 470. The Form 470 only requested service for a Fiber Network for voice and data for 1 new building, and that building was listed as

"Elementary 9". However, on the Form 471 you requested funding for 18 school buildings within the school district. This is a violation of program rules. The Form 471 contains many entities for whom service was not posted for 28 days on a Form 470. Hence, it is determined that this funding request was correctly denied. It is the responsibility of the applicant to ensure that all forms are submitted to SLD in a correct and complete manner. Consequently, the appeal is denied.

- Your Form 470 which established the competitive bidding process for your funding request(s) did not include the Billed Entity or the entities receiving the services as submitted on your Form 471. FCC Rules require that, except under limited circumstances, an eligible school, library or consortium that includes an eligible school or library, shall seek competitive bids for all services eligible for support by submitting a completed FCC Form 470 to the Administrator and waiting at least 28 days from the date on which its' Description of Services is posted on the Administrator's website before making a commitment with the selected providers of services. 47 C.F.R. sec. 54.504 (a) and (b). FCC Rules further require applicants to submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate and this application must describe the services that the schools and libraries seek to purchase in sufficient detail to enable potential providers to formulate bids. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776,9076, and 9078-79 FCC 97-157 paras. 570, 575 (rel. May 7, 1997). The applications posted on the website must present schools' and libraries' descriptions of services in a way that will enable providers to search among potential customers by zip code, number of students (schools) or patrons (libraries), number of buildings, and other data that the administrator will receive in the applications. See *id.*, para. 576. In Block 4 of the Form 470, applicants are required to provide information about the Billed Entity and the entities receiving the services described in Block 2. This information is required to help service providers understand the scope and location(s) of the services sought, so that they may respond efficiently and effectively. See Schools and Libraries Universal Service, Description of Services Requested and Certification (FCC Form 470), OMB 3060-0806.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company